



CITY COUNCIL AGENDA REPORT

MEETING DATE: DECEMBER 1, 2009

ITEM NUMBER: _____

SUBJECT: PROPOSED BALLOT MEASURE OPTIONS REGARDING THE ORANGE COUNTY FAIR AND EVENT CENTER FOR JUNE 2010

DATE: NOVEMBER 20, 2009

FROM: DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: KIMBERLY BRANDT, AICP, ACTING DIRECTOR

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT (714) 754-5604

RECOMMENDATION:

Direct staff to prepare a General Plan amendment to revise the "Fairgrounds" land use designation in respect to the Orange County Fair and Event Center (Option 4), and once adopted, include as a ballot measure in June 2010.

BACKGROUND:

On November 3, 2009, Council directed staff to research all options in respect to a ballot initiative that would preserve the land uses and activities at the Orange County Fair and Event Center (OCFEC) should the State Department of General Services successfully sell the 150-acre site. It is Council's intent that the ballot measure identifies a precise land use designation for the OCFEC and that any future change or amendment would require voter approval.

ANALYSIS/ALTERNATIVES CONSIDERED:

Pursuant to the State Government Code, there are several "planning" tools that the City uses to regulate development on property within its corporate boundaries. It is important to remember that there is a hierarchy in land use law, and that the City's General Plan is the primary document to which all related land use policies, standards, and zoning regulations must conform. Any adopted specific plan would rank second in this hierarchy followed by zoning regulations which rank third.

1. GENERAL PLAN

2. SPECIFIC PLAN

3. ZONING CODE

Keeping this hierarchy in mind, staff has identified four different ballot initiative options for retaining fairground activities at the 150-acre site.

OPTION 1: Place the Existing 2000 General Plan designation of "Fairgrounds", and accompanying Land Use Element text on Ballot

With this option, the existing 2000 General Plan land use designation of "Fairgrounds" and the accompanying Land Use Element text would be placed on the ballot with the appropriate ordinance that requires voter approval of any future modifications of the General Plan land use designation and/or land use text. The General Plan Land Use Element text regarding the Fairgrounds is excerpted below:

"Fairgrounds

This designation recognizes the unique land uses associated with the 150 acre Orange County Fairgrounds and Exposition Center. This property is owned by the State of California, and the City has limited permitting authority. However, it is the goal of the City to work closely with the State to ensure that the impacts associated with the development and use of this site are appropriately addressed and mitigated. Of particular concern are traffic related impacts and land use compatibility.

The maximum allowable floor area ratio for this designation shall be 0.10.

The compatible zoning district is I&R"

You will note the Land Use Element description of "Fairgrounds" is rather limited, given the State's historical ownership of the property. Staff does not believe that this land use description adequately meets the objectives of the community and Council as expressed in the recent public hearings on OC FEC.

OPTION 2: Place the Existing Zoning District of "Institutional and Recreational" and accompanying zoning regulations on Ballot:

For the general public, "zoning" is a familiar term, probably more so than the term "General Plan", which is why staff believes that many people desire the OC FEC's "zoning" be the subject of the ballot measure. OC FEC is zoned I&R, which is described in the Municipal Code as follows:

"I & R Institutional and Recreational District. This district is intended to allow land uses which provide recreation, open space, health and public service uses. Development in this designation may occur on either public or private property."

Staff's has several concerns with placing the existing I&R district on the ballot:

1. The I&R district is broadly applied to a variety of public land uses throughout the City including the Civic Center, all parks, golf courses, places of religious assembly, educational facilities, etc. There are not any zoning regulations that can be isolated and identified as only applicable to the OC FEC property because the Zoning Code is an interrelated and comprehensive document. It is not an overstatement to say that many of the City's zoning standards apply to more than one zoning district.
2. The I&R district is "consistent" with more than one General Plan designation, specifically Public/Institutional, Golf Course, and the Low-, Medium-, and High- Density Residential designations. With a ballot measure only restricting the zone on OC FEC, it is possible that a General Plan amendment could be processed at a future date without voter approval because a corresponding rezone would not be needed. For example, a

private educational entity could buy all or a portion of the site and request a General Plan amendment to designate the site "Public/Institutional" for the purposes of constructing educational buildings and/or student housing. The I&R zone is the appropriate zone for this land use, so a rezone with voter approval would not be needed.

For these reasons, even in combination with Option 1, staff does not support this option.

OPTION 3: Prepare and adopt a Fairgrounds Specific Plan and Place on Ballot

On October 20, 2009, Council directed staff to prepare and adopt a specific plan that describes precise policies and development standards, types of permitted and conditional uses that are appropriate for the Fairgrounds. The Specific Plan document will include the following information

- Outline the process for processing land use changes at Fairgrounds, etc.
- Reflect existing uses of the 2003 Fairgrounds Master Plan.

As stated earlier, the Specific Plan is an intermediate planning tool between the General Plan and Zoning Code in the land use hierarchy. The plan will require public hearings before both Planning Commission and City Council prior to adoption, as well as preparation of the necessary environmental documentation. Having the specific plan adopted by February 2010 in order to qualify for the June 2010 election may be difficult to achieve. Regardless, staff does not recommend that the specific plan be the subject of the ballot measure, because of the level of detail that it is likely to contain in terms of permissible land uses, future development procedures, and development standards. If future amendments to the specific plan required voter approval, flexibility in implementation or minor adjustments to the plan may prove to be very time-consuming and burdensome. For these reasons, staff does not recommend this option.

OPTION 4: Prepare and adopt a General Plan Amendment and Place on Ballot

Given the deficiencies of Option 1, staff recommends that the "Fairgrounds" land use designation as described in the 2000 General Plan be appropriately amended to further define permissible land uses for the property in a "broad" sense and to recognize the City's land use authority at such time the Fairgrounds is no longer owned by the State.

Staff believes that this amendment can achieve the "certainty" that both Council and the community desire for the property, while retaining the appropriate degree of flexibility in administering future land use decisions and permits. As with the specific plan, the amendment will require public hearings before both Planning Commission and City Council prior to adoption, as well as preparation of the necessary environmental documentation. However, staff believes that this amendment can be processed within the necessary time frame.

The attached chart summarizes the key points of each ballot measure option.

FISCAL REVIEW:

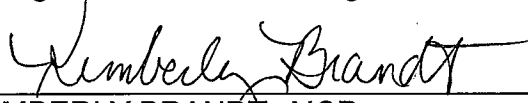
This direction does not require any fiscal review. The necessary ballot measure language will be drafted by Development Services staff in consultation with the City Attorney,

LEGAL REVIEW:

The City Attorney's Office has reviewed all of the ballot measure options and affirms that each one represents a viable ballot measure alternative.

CONCLUSION:

Of the four viable ballot measure options, staff believes that Option 4, preparing and adopting a General Plan amendment, will meet the Council's objectives of achieving certainty of future land uses at the Orange County Fair and Event Center, while retaining the appropriate degree of flexibility over an undetermined time period. Once the General Plan amendment is adopted by City Council, the City Attorney will prepare the appropriate ordinance for the June 2010 ballot that indicates that any future change or amendment of the Fairgrounds land use designation, as applied to the OC FEC, will require voter approval.



KIMBERLY BRANDT, AICP
Acting Development Svs. Director

DISTRIBUTION: City Manager
Assistant City Manager
City Attorney
Public Services Director
City Clerk (2)
Staff (4)
File (2)

ATTACHMENTS: 1 Options Comparison Chart

File Name: 120109OCFEC	Date: 111909	Time: 3:00 p.m.
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CITY OF COSTA MESA BALLOT MEASURE OPTIONS FOR ORANGE COUNTY FAIR AND EVENT CENTER

OPTION	DESCRIPTION	LEGISLATIVE ACTION	PC REVIEW REQUIRED	CEQA REQUIRED	TIMEFRAME FOR CEQA CHALLENGE
1. Existing General Plan	Place existing Fairgrounds designation language. Existing broad language may be further refined through the specific plan process and eventually any subsequent master plan. However existing language may not meet the expectations of the Council and Community.	No	No	No	None
2. Existing Zoning Designation	Place existing I&R zoning district on ballot as it relates to 150-acre site. Difficult to isolate Zoning Code provisions that are only applicable to Fairgrounds The I&R zoning district is compatible with multiple GP land use designations: Public/Institutional, Golf Course, Low- Medium-, and High- Density Residential designations. It is possible that a GPA could be processed without voter approval because a rezone is not necessary.	No	No	No	None



CITY OF COSTA MESA BALLOT MEASURE OPTIONS FOR ORANGE COUNTY FAIR AND EVENT CENTER

OPTION	DESCRIPTION	LEGISLATIVE ACTION	PC REVIEW REQUIRED	CEQA REQUIRED	TIMEFRAME FOR CEQA CHALLENGE
3. Specific Plan	<p>Prepare and adopt a specific plan that contains precise policies and development standards, types of permitted and conditional uses that are appropriate for the Fairgrounds.</p> <p>Specific Plan document will outline the process for processing land use changes at Fairgrounds, etc.</p> <p>The amount of detail may be restrictive in terms of anticipating future land use changes that may be appropriate for the property at a later date.</p>	Yes	Yes	Yes	30 days from filing of Notice of Determination
4. General Plan Amendment	<p>Further define "Fairgrounds" designation and appropriate land uses for the property in a "broad" sense and recognize that the City could exercise land use control at such time the fairgrounds was no longer owned by the State.</p>	Yes	Yes	Yes	30 days from filing of Notice of Determination